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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1228 (1999) of 11 February 1999, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 March 1999 and requested me to report to it by 22 March 1999 on the implementation of that resolution. The report covers developments since my previous report to the Security Council dated 28 January 1999 (S/1999/88).

II. DEVELOPMENTS DURING THE REPORTING PERIOD

A. Consultations with the parties

2. As outlined in my report of 11 December 1998 (S/1998/1160), the key provisions of the United Nations package, designed to accelerate the referendum process and presented to the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), in October 1998, were as follows: the initiation of the appeals process for already identified applicants at the same time as the identification of remaining applicants from tribal groupings H41, H61 and J51/52 wishing to present themselves individually; the effective formalization of the presence of the Office of the United Nations High Commissioner for Refugees (UNHCR) in the Territory to allow the necessary preparation for the repatriation of refugees and other Saharans residing outside the Territory who are eligible to vote, together with their immediate families; and a revised schedule, under which the transitional period would start in June-July 1999 and the referendum would be held in December 1999.

3. As also described in my 11 December report, the measures to be taken by MINURSO with the cooperation of the parties were detailed in a set of documents, which included a protocol on the identification of those remaining applicants from tribal groupings H41, H61 and J51/52 wishing to present themselves individually, a protocol on the appeals process, a memorandum on the activities of UNHCR in the region and a calendar outlining the next implementation stages of the United Nations Settlement Plan (see S/21360 and S/22464 and Corr.1).

4. During my visit to the region in late 1998, the Frente POLISARIO formally accepted the package of measures. For its part, Morocco expressed concerns and sought clarification about the key provisions of the United Nations package. Several rounds of consultations between the United Nations and the Moroccan authorities were subsequently held in Rabat and in New York, for an exchange of views and clarification concerning the key provisions of the package and the modalities contained in the draft protocols on the identification and appeals procedures. In the meantime, the mandate of MINURSO was extended until 31 January 1999 and again until 31 March 1999, in the expectation that agreement would be reached on the various protocols and the implementation calendar without undermining the integrity of the package and that the Mission could proceed with the identification and appeals operations promptly.

5. During the reporting period, my Special Representative, Charles F. Dunbar, the Chairman of the Identification Commission, Robin Kinloch, and other Commission officers continued discussions on the package with the Minister of the Interior, Driss Basri, and other Moroccan officials from the Ministries of the Interior and for Foreign Affairs in Rabat, from 4 to 6 February and from 17 to 19 February 1999. In the course of those discussions, each side provided the other with further clarification of its view of how the package of measures should be applied.

6. On 25 and 26 February 1999, a delegation from Rabat visited United Nations Headquarters for further consultations with the Secretariat on the package and identification and appeals protocols. Following those exchanges, on 3 March, the Secretariat communicated to the Government of Morocco in summary form the elements of the package that were essential to the preservation of its essence. On 7 March, the Under-Secretary-General for Peacekeeping Operations, Bernard Miyet, continued those discussions with Minister Basri at a meeting held in Paris. On 22 March, the Permanent Representative of Morocco communicated in writing that his Government accepted, in principle, the proposed package on the understanding that, as described in paragraph 8 below, certain amendments would be incorporated in the identification and appeals protocols and that operational directives, together with a revised timetable, would be provided by MINURSO to the parties. The United Nations also held informal consultations on developments related to the package with the Frente POLISARIO, both in Tindouf and in New York.

7. During those discussions, the Moroccan authorities acknowledged the pertinence of the explanations given by the United Nations, which underlined the need to uphold the authority of the Identification Commission, to avoid a repetition of the identification exercise at the appeals hearings, while preserving the rights of every applicant, and, at the same time, to complete the identification and appeals operations within a reasonable and credible time-frame. On that basis, the Moroccan authorities asked that the modalities for organizing the identification and appeals be consistent with the objective of holding the referendum by March 2000. They also asked, in this context, that the appeals procedure be launched no later than one month after the date of resumption of identification and that the provisional list of potential voters, from among the applicants identified thus far, be published on that date. The protocols and timetable would have to be adjusted accordingly.

8. To facilitate its future work and ensure its full responsibility, MINURSO expects to provide to the parties, at the end of March 1999, revised texts of the identification and appeals protocols which would incorporate necessary amendments, including revised dates. MINURSO will provide to the parties at the same time detailed operational directives and a revised timetable for the implementation of those protocols. Given the commitment of both parties to respect the essence of the package of measures, I trust that the operations can be conducted in strict conformity with the principles of equity on which the package is based. I am also hopeful that the time required for their completion will be reasonable.

9. The activities of the Identification Commission during February and March 1999 have been limited to support for and participation in the consultations with the Moroccan authorities and the preparation of contingency plans for the resumption of operations. The strength of the Commission was thus maintained at the reduced level of 30 personnel during that period, pending the outcome of the consultations. It is envisaged that the re-engagement of the Commission personnel released in December 1998 and the recruitment of any additional staff needed for the resumption of identification and the start of appeals will take place once the revised identification and appeals protocols and the operational directives for their implementation have been agreed upon with the parties. A further review of staffing requirements will be made at the end of March 1999 in the light of prospects at that time.

10. On 31 March 1999, my Special Representative's previously agreed term of service will come to an end, and I have accepted his resignation effective that date. I am grateful to him for the considerable efforts he has devoted to the cause of peace in Western Sahara, and pay him tribute for the leadership he has displayed and for the outstanding dedication and professionalism with which he has undertaken this difficult mission.

B. Military aspects

11. As at 15 March 1999, the strength of the military component of MINURSO stood at 230 all ranks (see annex). Under the command of Major-General Bernd S. Lubenik (Austria), the MINURSO military component continues to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remains calm, and there have been no indications that either side intends to resume hostilities.

12. The status-of-forces agreement between the United Nations and Morocco was signed on 11 February 1999. With regard to paragraph 42 of the agreement, which contains provisions on the carriage of weapons, an arrangement between MINURSO and the Moroccan authorities detailing the implementation of those provisions is expected to be elaborated in the near future.

13. MINURSO initiated efforts with both parties to mark and destroy mines and unexploded ordnance in the mission area. A coordination meeting between MINURSO and the Royal Moroccan Army, held in Agadir on 11 and 12 March 1999, resulted in the signing of a military agreement which will allow for the exchange of

information about all previously identified mines and unexploded ordnance in the areas west and north of the defensive sand-wall (berm) and their step-by-step destruction by the Royal Moroccan Army, as well as about any incidents involving mines and unexploded ordnance. While it has provided cooperation on the ground with respect to the issue, the Frente POLISARIO has not yet responded to the Force Commander's offer to engage in a similar effort to reduce the danger of existing mines and unexploded ordnance east of the berm. Those efforts should not be considered a substitute for the necessary deployment of a demining unit in due course to complete the Mission's mine-related tasks, in particular those required under the repatriation programme for Saharan refugees who are eligible to vote, and their immediate families.

14. During the reporting period, the repatriation of the MINURSO engineering support unit from Pakistan was completed, with the outstanding logistic support and assistance of the Royal Moroccan Army.

15. Around 25 February 1999, communications equipment was stolen from a MINURSO station east of the berm. The Mission conducted an inquiry but was unable to collect any information that might have led to the recovery of the equipment. The Force Commander is awaiting a reply from the Frente POLISARIO to his request that it conduct an investigation and assist in the recovery of the United Nations property.

C. Civilian police aspects

16. The strength of the civilian police component of MINURSO stands at 26, of an authorized establishment of 81 officers, under the command of Acting Commissioner, Assistant Commandant Sunil Roy (India). Two civilian police officers will complete their tour of duty before the end of March. Their replacement will be put on hold, pending a decision by the Security Council on the resumption of the identification process and the start of the appeals procedures.

17. The civilian police component continues to perform security duties, guarding the Identification Commission files at Laayoune and Tindouf and working on repatriation logistics plans and related issues.

D. Preparatory work for the repatriation of Saharan refugees

18. The status of UNHCR in the Western Saharan Territory was formalized by the Government of Morocco in January 1999, and UNHCR moved into its new office premises in Laayoune in March 1999. UNHCR had brief meetings on 18 and 23 January 1999 with the Ministry of the Interior in Rabat to discuss issues related to its activities under the United Nations Settlement Plan. The Government of Morocco indicated that preparatory activities by UNHCR for repatriation that were other than technical should await the signature of the refugee repatriation protocol and, in the meantime, UNHCR could proceed with activities of a purely technical nature. The commencement of those activities was the subject of discussions between UNHCR and its counterparts designated by the Government of Morocco, held at Rabat on 25 January 1999 and at Laayoune on

29 January and 23 February 1999. As agreed in the last meeting, UNHCR submitted on 5 March 1999 a written proposal for a joint reconnaissance of the repatriation routes in the Territory, and it hopes to start that activity upon receipt of a positive response to its proposal.

19. UNHCR continues to maintain an active presence in the Tindouf refugee camps and to conduct regular visits in order to better understand the needs of the refugees and consolidate the confidence gained over the years. UNHCR is also enhancing its coordination role in the Tindouf camps with various non-governmental agencies and implementing partners to jointly identify refugee assistance requirements in the various sectors and better target assistance in the camps and planning for repatriation.

20. However, UNHCR is unable to resume the pre-registration exercise in the remaining two refugee camps in Tindouf, since the Frente POLISARIO maintains its earlier position that the exercise remains subject to the implementation of the other measures in the package of proposals. Given the importance of the finalization of the pre-registration exercise for UNHCR to complete its preparatory work, it is hoped that it can be resumed as soon as possible.

21. With respect to the draft refugee repatriation protocol, discussions with Morocco are to be conducted with the Ministry for Foreign Affairs within the context of a working group. UNHCR hopes that these discussions with the Moroccan authorities will be held as soon as possible. Revised texts of the draft protocol were submitted to the United Nations by the Frente POLISARIO and the Government of Algeria on 12 January 1999. The United Nations intends to review and discuss the proposals shortly.

III. FINANCIAL ASPECTS

22. As indicated in my previous report to the Security Council, the General Assembly, by its resolution 53/18 of 2 November 1998, appropriated an additional amount of $37.3 million, equivalent to some $4.7 million per month, for the maintenance of MINURSO for the period from 1 November 1998 to 30 June 1999. Therefore, should the Council decide to extend the mandate of MINURSO, as recommended in paragraph 29 below, the cost of maintaining the Mission during the extension period would be within the monthly rate approved by the General Assembly.

23. As at 15 March 1999, unpaid assessed contributions to the MINURSO special account amounted to $63.9 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $1,599.6 million.

IV. OBSERVATIONS AND RECOMMENDATIONS

24. I trust that the clarifications and explanations provided by the United Nations to the Moroccan authorities since my last report (S/1999/88) will allow the process to go ahead without further delay. In this context, I welcome once again the prompt response by the Frente POLISARIO in favour of the package, conveyed to me in November 1998. I am also encouraged by the letter received on

22 March 1999 from the Permanent Representative of Morocco to the United Nations communicating his Government's agreement in principle.

25. As indicated in paragraph 8 above, the identification and appeals protocols will be adjusted in order to take into account necessary revisions. Operational directives are also being prepared by the Identification Commission to ensure the transparency and common understanding of its work and of the identification and appeals procedures. I am hopeful that, once discussed and reviewed with the two parties in the coming days, the revised protocols and operational directives, which should not compromise the essence of the package, will receive their prompt concurrence. I intend to apprise the Security Council of the latest developments with respect to those matters prior to the expiration of the mandate of MINURSO on 31 March 1999.

26. With respect to the military aspects of the work of MINURSO, I welcome the signature by the Government of Morocco and the MINURSO Force Commander of the agreement on mines and unexploded ordnance mentioned in paragraph 13 above. MINURSO is engaged in efforts to reach a similar agreement promptly with the Frente POLISARIO, so that the danger to the civilian population represented by these mines and ordnance can be reduced and eventually eliminated.

27. Progress has been made by UNHCR in establishing itself in the Territory and in preparing the ground for the start of substantive work that would enable it to complete its preparatory work and maintain its efforts towards preparedness for the repatriation of Saharan refugees. All parties concerned must move ahead with the necessary discussions to reach an agreement on the refugee repatriation protocol, so that all aspects of the work needed to prepare the way for the repatriation of the refugees may begin. In the hope that the package of measures may now be closer to being put into full effect, I call upon the Frente POLISARIO promptly to allow the resumption of the work of pre-registration of refugees living in the Tindouf camps.

28. In the light of the resignation of my Special Representative, and pending the Security Council's decisions regarding the future status of MINURSO, I have designated Robin Kinloch, Chairman of the Identification Commission, as Acting Special Representative, with immediate effect. In that capacity, Mr. Kinloch will be able to continue his consultations with the parties with a view to implementing the United Nations package of measures.

29. In the light of the foregoing, I recommend that the mandate of MINURSO be extended until 30 April 1999. I hope that such an extension will provide sufficient time for an understanding to be reached among all concerned on detailed modalities for the implementation of the identification and appeals protocols, including a revised implementation schedule. It is also my hope that by that time, it will be possible to assess with greater precision the prospects for implementing these activities within a reasonable period of time, and in a manner that would preserve the essence of the package of measures. I expect the full cooperation of the parties towards the achievement of these objectives.

Annex

United Nations Mission for the Referendum in Western Sahara
Contributions as at 15 March 1999

	Military observers	Staff officers	Troops	Civilian police observers	Total
Argentina	1	-	-	-	1
Austria[a]	5	-	-	-	5
Bangladesh	6	-	-	-	6
Canada	-	-	-	2	2
China	15	-	-	-	15
Egypt	19	-	-	1	20
El Salvador	2	-	-	-	2
France	25	-	-	-	25
Ghana	6	-	7	1	14
Greece	1	-	-	-	1
Guinea	3	-	-	-	3
Honduras	12	-	-	-	12
Ireland	8	-	-	-	8
India	-	-	-	10	10
Italy	5	-	-	-	5
Kenya	8	-	-	-	8
Malaysia	13	-	-	-	13
Nigeria	5	-	-	-	5
Norway	-	-	-	2	2
Pakistan	5	2	-	9	16
Poland	3	-	-	-	3
Portugal	2	-	-	1	3
Republic of Korea	-	-	20	-	20
Russian Federation	25	-	-	-	25
Uruguay	13	-	-	-	13
United States of America	15	-	-	-	15
Venezuela	3	-	-	-	3
Total	200	2	27	26	255

[a] In addition to the Force Commander.

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